

# **CIVIL RIGHTS AND SEXUAL HARASSMENT TRAINING**

**Amesbury School District**

# Topics Covered

- WHAT IT IS
- WHO IS COVERED
- HOW TO PREVENT IT
- COMPLAINT PROCESS

# What is Discrimination?

Treating individuals differently or interfering with, or preventing an individual from enjoying the advantages, privileges or courses of study, or terms and condition of employment, because they are members or associate with members of a certain protected group.

**Discrimination is an action, not just an attitude. We are responsible for our own behavior and consequences.**

# Discrimination-Legal Basis

Federal and state laws prohibit discrimination based on an individual's protected status in employment and education.

## Examples of Federal & State Laws

### Employment

- MA General Laws Ch. 151B
- Title VII of the Civil Rights Act
- Age Discrimination in Employment Act
- Family and Medical Leave Act
- Americans with Disabilities Act
- Genetic Information Nondiscrimination Act
- Equal Pay Act
- Section 504 of Rehabilitation Act
- Uniformed Services Employment & Re-employment Rights Act
- Pregnancy Discrimination Act

### Education

- MA General Laws Ch. 151C, Ch. 76
- Title VI of the Civil Rights Act
- Age Discrimination Act of 1975
- Title IX of the Education Amendments of 1972
- Section 504 of Rehabilitation Act
- Americans with Disabilities Act

# Forms of Discrimination

- ✓ **Disparate Treatment-** Individuals treated differently from other individuals of a different group.
- ✓ **Disparate Impact-** a qualification, test or policy (for example) that appears to apply to everyone the same but in fact has a significantly greater impact on members of the complainant's protected class.
- ✓ **Harassment**
  - Sexual & Non-Sexual (Other protected status, i.e. religious harassment)
- ✓ **Denial of Reasonable Accommodation**
  - Religious or Disability
- ✓ **Retaliation**

# Who is covered?

Protected (Federal and/or State) Categories Include

- Age
- Race or Color
- Religion
- Gender
- Gender Identity
- Disability
- National Origin/Ancestry
- Military personnel
- Genetics
- Sexual Orientation
- Pregnancy
- Retaliation



# Employment Terms-Conditions

- Selection and promotion
- Salary, leave and other benefits
- Training and Professional Development
- Discipline and appraisal
- Termination
- Harassment-free work environment

# Examples of Discrimination

- Issuing a student a lower grade because of their race.
- Terminating or refusing to promote an employee because they are age 40 or over.
- Refusing to promote a female or allow access to educational programs because she is pregnant.
- Denying an individual training opportunities because they are disabled.
- Demoting an employee because he/she filed a discrimination complaint against their employer.  
(form of retaliation)



# What is Harassment?

Verbal or physical conduct that unreasonably interferes with an individual's school or work performance by creating an intimidating, hostile or offensive school/work environment based on their membership in a protected category or their association with a member in a protected category.

1. Conduct is Unwelcome in nature
2. Protected category was the cause of the harassment
3. Conduct had the effect/purpose of creating an intimidating, hostile, humiliating or sexually offensive school/work environment
4. Conduct interfered with work/alterd the terms of conditions of employment-education

# **Examples of activities that might create a hostile work/educational environment include:**

- Degrading, demeaning, insulting or abusive remarks (verbally or in writing) about a person's disability, age, gender, religion or other protected status.
- Displays of foul or obscene printed (including email) or visual material.
- Unwanted physical contact of any kind.
- Important points:
  - It is illegal to harass someone based on their protected status.
  - It is illegal to harass someone because they have complained about discrimination, filed a charge of discrimination, or participated in discrimination investigation or lawsuit
  - The harasser can be the victim's supervisor, teacher, peer, a supervisor in another area, a co-worker, or someone who is not an employee of the school, such as a parent or vendor.
  - Harassment need not rise to a standard of unlawfulness to be unacceptable in the workplace.

# Sexual Harassment

## FORM OF SEX DISCRIMINATION

**UNWELCOME** SEXUAL ADVANCES, REQUESTS FOR SEXUAL FAVORS OR OTHER VERBAL OR PHYSICAL CONDUCT OF A SEXUAL NATURE WHEN:

- ✓ Submission to such conduct is made either explicitly or implicitly term or condition of employment or education; (Commonly referred to as quid pro Quo)
- ✓ Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual, (commonly referred to as quid pro quo); or
- ✓ Such conduct has the purpose or effect of unreasonably interfering with an individual's work/academic performance or creating an intimidating, hostile, or offensive work/educational environment (commonly referred to as Hostile work environment).

**NOTE:** The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, student, teacher, or someone who is not an employee of the school, such as a parent or vendor.

**Sexual harassment in the workplace and educational environment is unlawful. It is unlawful to retaliate against an individual for filing a complaint of sexual harassment or participating in a sexual harassment investigation.**

# Examples-Sexual Harassment

- Depending on the circumstances, sexual harassment may include, but is not limited to:
  - Sexual jokes, written (including email) or verbal sexual references, pictures, comments on one's body
  - Leering, whistling, brushing against the body, gestures
  - Inquiries into or discussions of sexual activities
- Note:
  - Both victim and the harasser can be either a male or female, and the victim and harasser can be the same sex.
  - A single sexual advance may be considered sexual harassment if it is connected to granting or denying employment or educational benefits.

# Reasonable Accommodation

## Religion

- It is illegal to discriminate or harass or otherwise prevent an individual from enjoying the advantages, privileges or courses of study, or terms and condition of employment, because of their religion or because that person is married to (or associated with) an individual of a particular religion.
- Amesbury provides reasonable accommodations for members' sincerely held religious beliefs or practices unless doing so would impose an undue hardship on the School District.
- A reasonable religious accommodation is any adjustment to the work and/or academic environment that will allow the individual to practice his/her religion.
- Examples of reasonable accommodation may include: voluntary shift substitutions or swaps, job reassignments, and modifications to workplace/academic policies or practices.

# Reasonable Accommodation

## Disability

It is illegal to discriminate or harass or otherwise prevent or exclude a qualified individual with a disability from enjoying the advantages, privileges or courses of study, or terms and condition of employment, because of their disability.

### ➤ Employment Context:

- For employees and applicants for employment, a person with a disability has a physical, psychiatric or developmental impairment that substantially limits one or more major life activity.
- Individuals with a record of a disability, regarded as having a disability, or associate with an individual with a disability, are also protected from discrimination and harassment .
- The law requires an employer to provide reasonable accommodation to a qualified individual with a disability, unless doing so would cause undue hardship.

### ➤ Academic/Student Context:

- For students, a person with a disability is an individual who has a physical or mental impairment that substantially limits one or more major life activities.
- The law requires reasonable accommodation if it would permit equal access to educational opportunities.

Reasonable accommodation might include, for example, providing a ramp for a wheelchair user, adaptive software, office or classroom modifications or a modification in policies or procedures.

# **Guidelines to Avoid Harassment/Discrimination**

1. Whenever possible, rely on courtesy rather than contact.
2. Think of how your actions reflect the climate and culture of Amesbury Public Schools
3. Treat people with respect-Respect differences.
4. Emphasize abilities-not limitations.
5. Monitor your own behavior.
6. Back off-allow reasonable space/distance.
7. Speak up/communicate concerns.
8. Speak without judging, blaming or demeaning. Avoid gossip, name-calling and offensive humor.
9. Listen with an open mind.

# Retaliation

- It is illegal to retaliate against students, employees or applicants, because they filed a charge of discrimination, because they complained about discrimination, or because they participated in an employment/academic discrimination proceeding (such as an investigation or lawsuit).
- Examples of behavior that may be considered retaliation: demotion, termination, threats, lowering a student's earned grade, setting different standards for similarly situated individuals.



# Responsibilities

- Read the School District's Policies
- Cooperate in the investigation of reports or complaints of discrimination.
- Responding appropriately, and intervening if able to take action safely, when witnessing discrimination on school grounds or in a school-related activity.
- Promptly reporting all information (s)he knows concerning possible discrimination when (s)he witnesses or becomes aware of that conduct occurring on school grounds or a school-related activity.

# Individual Liability for Discrimination

- Individuals may be liable for:
  - Their own discriminatory behavior
  - Failing to act when they know or should have known about discrimination

# Designated Officials For Reporting

- In each School Building, the Principal or Districts Equity Coordinator is responsible for receiving reports.
- District Equity Coordinators
  - Roy Hammond
  - Elizabeth McAndrews
    - 5 Highland Street
    - Amesbury, MA
    - 978-388-4800
- ✓ Complaints investigated thoroughly and fairly (due process).
- ✓ Information maintained confidentially to the extent practical.
- ✓ If determined school policy was violated, we will act to promptly eliminate the offending conduct.
- ✓ Where appropriate, disciplinary action may be imposed.
- ✓ Retaliation is prohibited.
- ✓ Internal complaint process does not prohibit an individual from filing a complaint with MCAD, EEOC (employment) or US Dept. of Justice.

# Civil Rights

- The Amesbury School District does not discriminate on the basis of race, color, religious creed, national origin, sex, sexual orientation, age, gender identification, criminal record, disability, and retaliation in its admission, treatment or access to its programs and activities. In addition, Greater Lowell Technical High School is committed to providing an environment free from sexual harassment.

# Civil Rights-Sexual Harassment Training Confirmation

- Thank you for participating in this online training module. Annual training is mandated by the MA Department of Elementary & Secondary Education. Your commitment to respect and tolerance of our differences fosters our efforts in providing a workplace and academic environment that is free from discrimination and harassment.